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SAMT 2009 LLC, Ross Family Holdings, L.L.C.,
Entrepreneur Opportunity Fund I, LP

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:

STEVE PANDI and EILEEN A
QUEZADA,

Debtors.

(In Proceedings under Chapter 7)

Case No.: 2:16-bk-11585-SHG

Adversary. Case No.:

**COMPLAINT TO DENY GENERAL
DISCHARGE IN ACCORDANCE
WITH 11 U.S.C. § 727(a)(4)(A) and
727(a)(4)(B)**

SAMT 2009, LLC, an Indiana limited
liability company; ROSS FAMILY
HOLDINGS, L.L.C., an Arizona limited
liability company; and
ENTREPRENEUR OPPORTUNITY
FUND I, LP, a Delaware limited
partnership,

Plaintiffs,

vs.

STEVE PANDI and EILEEN A
QUEZADA,

Defendants.

1
2 Plaintiffs, SAMT 2009 LLC, Ross Family Holdings, L.L.C. and Entrepreneur Opportunity
3 Fund I, LP by and through their attorneys, Goldman and Zwillinger PLLC, hereby file this
4 complaint for non-dischargeability.
5

6 **PARTIES, VENUE AND JURISDICTION**

7 1. Steve Pandi and Eileen Quezada (“Steve Pandi, Eileen Quezada, or
8 Debtors/Defendants”) filed their voluntary petition for Chapter 11 bankruptcy on October 7th,
9 2016. The case number is 2:16-bk-11585-SHG (“Current Bankruptcy”). The case was converted
10 to a chapter 7 case by order on March 31, 2017.
11

12 2. Plaintiff, SAMT 2009 LLC (“SAMT”) is an Indiana limited liability company,
13 which is authorized to conduct business and conducts business in Maricopa County, Arizona.
14

15 3. Plaintiff, Ross Family Holdings, L.L.C. (“Ross”), is an Arizona limited liability
16 company, which is authorized to conduct business and conducts business in Maricopa County,
17 Arizona.
18

19 4. Plaintiff, Entrepreneur Opportunity Fund, I, LP (“EOF”) is a Delaware limited
20 partnership authorized to conduct business in Maricopa County, Arizona.
21

22 5. Any actions described herein by either Defendant Steven Pandi or by Defendant
23 Eileen Quezada were done on their own behalves and on behalf of each other and their marital
24 community and were done in order to bind their marital community, and they each acted, or failed
25 to act, as described herein, on behalf of each other and for the benefit of said marital community,
26 as well as on behalf of the other Defendants.
27
28

1 6. George Pandi is the father of Steve Pandi.

2 7. This action is an adversary proceeding commenced under Rule 7001 of the Federal
3 Rules of Bankruptcy Procedure.
4

5 8. This is a core proceeding pursuant to 28 U.S.C. §157(b) and this court has
6 jurisdiction over the action pursuant to 28 U.S.C. §1334.
7

8 9. Venue is proper pursuant to 28 U.S.C. §§1408 and 1409.

9 10. Defendants reside in Maricopa County, Arizona, and are the debtors in this chapter
10 7 case.
11

12 **FACTUAL AND PROCEDURAL BACKGROUND**

13 11. Steve Pandi and Eileen Quezada filed statements and schedules in this bankruptcy
14 case.
15

16 12. Steve Pandi and Eileen Quezada signed penalty of perjury statements in this case,
17 swearing that the information contained in the statements and schedules was true and correct.

18 13. On Form B-104 For Individual Chapter 11 Cases: List of Creditors Who Have the
19 Twenty Largest Unsecured Claims Against You and Are Not Insiders [Docket No. 11], the
20 debtors list George Pandi a secured, insider creditor (Steve Pandi's father).
21

22 14. The Form B-104 lists George Pandi as a non-insider, unsecured creditor # 9 in the
23 amount of \$ 440,387.13 and as a non-insider, unsecured creditor #10 in the amount of \$
24 281,400.70.
25

26 15. Donald W. Hudspeth issued a letter dated April 6, 2017 addressed to Steve Pandi
27 in which he stated "Pursuant to A.R.S. § 47-9620 George Pandi hereby gives notice of his intent
28

1 to accept said collateral as full payment and satisfaction of the debt.” (A copy of this letter is
2 attached as Exhibit A.)

3
4 16. The letter described in paragraph 15. above extinguished all debt relating to the
5 original obligation of \$ 463,751.84.

6 17. Official Form 106D – Schedule D: Creditors Who Have Claims Secured by
7 Property was filed on October 29, 2016 at Docket No. 34.

8
9 18. At Section 210 of Form 106D the debtors list George Pandi as a secured creditor
10 holding a second deed of trust in real property located at 6940 W. Voltaire Avenue, Peoria,
11 Arizona. The amount of claim set forth in Column A is \$ 463,751.84.

12
13 19. At Section 211 of Form 106D the debtors list George Pandi as a secured creditor
14 holding a second deed of trust in real property located at 21229 N. 52nd Avenue, Glendale,
15 Arizona. The amount of claim set forth in Column A is \$ 463,751.84.

16
17 20. The debtors signed penalty of perjury statements that the information contained in
18 Official Forms B-104 and 106-D was true and correct.

19
20 21. 11 U.S.C. Section 101, paragraph (31) provides that “The term “insider”
21 includes---(A) if the debtor is an individual—(i) relative of the debtor or a general partner of the
22 debtor”

23
24 **COUNTS ONE AND TWO**
25 **DISCHARGE DENIAL IN ACCORDANCE WITH 11 U.S.C. §727(a)(4)(A)**

26 22. Plaintiffs reallege and incorporate by reference paragraphs 1 through 21. as set
27 forth above.

1 23. The Debtor/Defendants made false oaths when they signed the penalty of perjury
2 statement relating to Official Form B104.

3
4 24. George Pandi is an insider and Debtors attempted to place him in a better position
5 by listing him as being a non-insider.

6 25. Because the debt owed to George Pandi was extinguished as described in the
7 Hudspeth letter of April 6, 2017, Debtor/Defendants made false oaths when signing the penalty
8 of perjury statements which indicated that the debts listed as owing to George Pandi on the
9 Official Form B104 were real debts.
10

11 26. The Debtor/Defendants made false oaths when they signed the penalty of perjury
12 statement relating to Official Form 106-D.

13
14 27. Because the debt owed to George Pandi was extinguished as described in the
15 Hudspeth letter of April 6, 2017, Debtor/Defendants made false oaths when signing the penalty
16 of perjury statements which indicated that the debts listed as owing to George Pandi on the
17 Official Form 106-D were real debts.
18

19 28. The false oaths described under counts one and two above were made knowingly
20 and fraudulently in connection with this bankruptcy case.

21
22 29. The Court issued its Order Converting this case from Chapter 11 to Chapter 7 on
23 March 31, 2016 [Docket No 31].
24

25 30. It is customary for debtors to file amended schedules after a conversion. Debtors
26 did not file any amended schedule D, i.e. Form 106-D to remove George Pandi as a creditor.
27
28

1 This would have been an opportunity for the Debtors to correct the record, but they failed to do
2 so.

3
4 **COUNT THREE**
5 **DISCHARGE DENIAL IN ACCORDANCE WITH 11 U.S.C. §727(a)(4)(B)**

6 31. Plaintiffs reallege and incorporate by reference paragraphs 1 through 30. as set
7 forth above.

8
9 32. Debtors knowingly and fraudulently, in connection with this case, used a false
10 claim in their filing of a Motion to Compel Abandonment set forth at Docket No. 185 in the
11 Administrative Case. [Said Motion to Compel Abandonment is hereby incorporated by
12 reference.]

13
14 33. Said Motion to Compel Abandonment sets forth allegations relating to the equity,
15 or lack of equity, in certain real property which is the subject of the Motion to Compel
16 Abandonment.

17
18 34. The Debtors knowingly and fraudulently, in connection with this case, use the
19 false claim of George Pandi (as listed in their schedules) to perpetrate a fraud on the Court and
20 the Trustee, asserting that, because of this claim, there is no equity in the Subject property.
21

22 WHEREFORE, Plaintiffs seek an Order from this Court Declaring that the Debtors be
23 denied a discharge in accordance with the provisions of 11 U.S.C. § 727(a)(4)(A) and/or §
24 727(a)(4)(B), and for such other relief as the Court may deem just and proper under the
25 circumstances.
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/s/ Vincent R. Mayr

Entrepreneur Opportunity Fund (“EOF”)

EXHIBIT A

THE LAW OFFICES OF
DONALD W. HUDSPETH, P.C.

A PROFESSIONAL CORPORATION

"The Business of our Firm is Business"

Donald W. Hudspeth

Janae A. Perry-Meier

Craig W. Broadbent

April 6, 2016

Of Counsel:

Brian K. Stanley

Writer's Direct Email: DWH@AzBusLaw.com

VIA U.S. MAIL AND EMAIL

Steve Pandi
6940 W. Voltaire
Peoria, AZ 85381

Steve Pandi, President
Jumpin Jammerz L.L.C.
2406 S. 24th St. Unit C-120
Phoenix, AZ 85034

Re: Notice of Sale of Collateral by Secured Party

Dear Mr. Pandi:

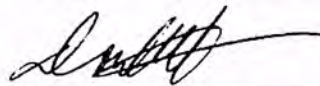
George Pandi has a recorded and perfected security interest in the inventory and assets of your company Jumpin Jammerz L.L.C. which you pledged as collateral for a loan. Pursuant to ARS §47-9620 George Pandi hereby gives notice of his intent to accept said collateral as full payment and satisfaction of the debt.

Under ARS §47-610(C)(2) a private tender and sale of the goods is appropriate because inventory and assets prices are widely quoted and there is a recognized market for the sale of this collateral.

A UCC search has been performed and a copy of this Notice will be sent to secured and other interested parties of record who are entitled to receive notice. If no objection to this proposed transaction is received within twenty (20) days then the sale shall be deemed final.

Please signify your consent to this payment and satisfaction by signing in the place provided below.

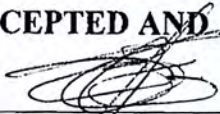
Respectfully yours,



Donald W. Hudspeth
For the Firm

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ACCEPTED AND APPROVED



By Steve Pandi, for himself and
Jumpin Jammerz L.L.C.

Date signed: 04-11-2016

Cc George Pandi
1 Somerset Crescent
Redmond Hill
Ontario, L4C8N2

Cc Tom Pandi

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